

OCT 9 6 2003

EXPRESS MAIL CERTIFICATE

Date 10/8/03 Label No. EL 98210285648

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to Mail Stop Non-Fee Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by "Express Mail Post Office to Addressee" service.

A. Stantini A. Grantini

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Docket No: 0630/1G703-US2

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OCT 17 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mark J. EVANS et al.

Serial No.: 09/924,946

Art Unit: 1652

Confirmation No.: 3104

Filed: August 8, 2001

Examiner: Michael C. Wilson

For: **A NOVEL MEMBER OF THE LYSYL OXIDASE GENE FAMILY**

DECLARATION UNDER 37 C.F.R. § 1.131

Mail Stop Non-Fee Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, Mark J. EVANS, Marshall S. SCICCHITANO, Ashok R. BAPAT, Ramesh
A. BHAT, Robert MASTROENI, and Sotirios K. KARATHANASIS hereby declare and state as
follows:

Serial No. 09/924,946

Docket No. 0630/1G703-US2

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1. Mark J. Evans, Marshall S. Scicchitano, Ashok R. Bapat, Ramesh A. Bhat, and Robert Mastroeni are citizens of the United States, and Sotirios K. Karanthanasis is a citizen of Greece. We are more than twenty-one years of age.

2. We are the inventors of the above-identified application.

3. We re-affirm our duty of candor and good faith in dealing with the Office, including the duty to disclose to the Office all information known to be material to the patentability of the invention as defined in 37 C.F.R. § 1.56.

4. We have read and are familiar with the instant application as it was filed in the U.S. Patent and Trademark Office.

5. We have read and are familiar with the reference of Meyers U.S. Publication 2002/0068322 entitled "47765, A Novel Human Lysyl Oxidase and Uses Thereof" published June 6, 2002 and which claims priority to May 26, 2000 (hereinafter the "Meyers reference").

6. Prior to May 26, 2000, the effective date of the Meyers reference, we had conceived and completed the invention as described and claimed in the subject application.

7. As evidence that our work antedates the Meyers reference, we refer to Exhibit 1. Dates, along with privileged information, appearing in this document have been redacted. Exhibit 1 documents the conception and reduction to practice of our invention at a time prior to May 26, 2000. Specifically, page 1 of Exhibit 1 shows that we had the clone D3E11 in our possession at a time prior to May 26, 2000 and that this clone had a cDNA insert of the expected size for a full length EER-7. Pages 2-3 of Exhibit 1 show that we had obtained

the full-length nucleotide sequence of EER-7 at a time prior to May 26, 2000. The documents submitted herewith as Exhibit 1 were created at a time prior to May 26, 2000.

8. We further declare that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true. We further declare that these statements are made with the knowledge that the willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the instant application or of any patent issued thereupon.

Respectfully submitted,

8/7/03
DATE


Mark J. EVANS

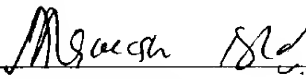
DATE

Marshall S. SCICCHITANO

8/10/03
DATE


Ashok R. BAPAT

8/11/03
DATE


Ramesh A. BHAT

8/11/03
DATE


Robert MASTROENI

DATE

Sotirios K. KARATHANASIS

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Respectfully submitted,

DATE

8/7/03
DATE

DATE

DATE

DATE

DATE

Mark J. EVANS

Marshall S. Scicchitano
Marshall S. SCICCHITANO

Ashok R. BAPAT

Ramesh A. BHAT

Robert MASTROENI

Sotirios K. KARATHANASIS

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DARBY&DARBY

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Respectfully submitted,

DATE _____

Mark J. EVANS

DATE _____

Marshall S. SCICCHITANO

DATE _____

Ashok R. BAPAT

DATE _____

Ramesh A. BHAT

DATE _____

Robert MASTROENI

Oct 4, 2003
DATE

~~SECRET~~
SOFIOS K. KARATHANASIS

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EXHIBIT 1

Page No. _____

Supernatant cells obtained multiple suspensions from EPR-7
 placenta clone 6605

Transform EPR7 placenta 6605 in DH5 α
 EPR7 placenta D3E11

Individual transformation streaked out

Individual colony of each inoculated into 350 ml LB + amp

Plasmid Prep by Giga

Resuspended in 100 μ l TE Digest 2 μ g each with EcoRI + SalI

* SELF TEST *
 COMPLETED

ID# : TST22
 ABS RATIO
 RUN TIME 0.2 MIN

260.0NM 280.0NM
 MINUTES ABS 1 ABS 2
 0.0 129 .088
 RATIO 1.796

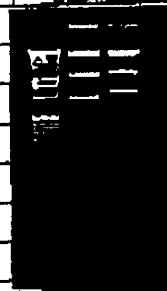
D3E11

TST22
 RATIO
 TIME 0.2 MIN

260.0NM 280.0NM
 MINUTES ABS 1 ABS 2
 0.0 .070 .040
 RATIO 1.745

6605

6605 D3E11



To Page No. _____

ed & Understood by me,

Karnish

Date

Invented by

M/ha

Date

Recorded by

D3E11 cDNA.seq

Reverse Complement DNA Sequence D3E11 complete sequence.SEQ(1,4278)

Created:

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      10      20      30      40      50      60      70
.....
GCTGGGCTTCCCCAGCGAGGTGCCTGTGACAGCCACTACTACAGGAAAGTCTGGGATCTGAAGATGAGG 70
GACCCTAAGTCTAGGCTGAAGAGCCTGACGAATAAGAACTCCTTCTGGATCCACCAGGTACCTGCCTGG 140
GGACAGAGCCCCACATGGCCAACTGCCAGGTGCAGGTGGCTCCAGCCCGGGCAAGCTGCGGCCAGCCTG 210
CCCAGGTGGCATGCATGCTGTGGTCAGCTGTGTGGCAGGGCCTCACTTCCGCCACCGAAGACAAAGCCA 280
CAACGCAAAGGGTCCTGGGCAGAGGAGCCGAGGGTGCGCCTGCGCTCCGGGGCCCATGTGGGCGAGGGCC 350
      360      370      380      390      400      410      420
.....
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TGTCGTGTGTCGTACAGCTGGGCTTTGGCTCTGCTCGGGAGGCCCTCTTTGGGGCCCGGCTGGGCCAAGGG 490
CTAGGGCCCCATCCACCTGAGTGAGGTGCGCTGCAGGGGATATGAGCGGACCCTCAGCGACTGCCCTGCCC 560
TGGAAGGGTCCCAGAATGGTTGCCAACATGAGAATGCTGCTGCTGTCAGGTGCAATGTCCCTAACATGGG 630
CTTTCAGAATCAGGTGCGCTTGGCTGGTGGGCGTATCCCTGAGGAGGGGCTATTGGAGGTGCAGGTGGAG 700
      710      720      730      740      750      760      770
.....
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      1060      1070      1080      1090      1100      1110      1120
.....
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      1760      1770      1780      1790      1800      1810      1820
.....
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TCAGGAGCTCTCAGTTTCTTAGGGATGGACTATGGCCAGTCCCCCATCTAAGTGGTGCTTTGCAAATGT 2030
CTTGAGGAGTATAGGACAGAGGACCAAAATACACAGCAGGTAGTGTTAGCTCTCTGCTAGGAGCTCAA 2100

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D3E11 cDNA.seq

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2460 2470 2480 2490 2500 2510 2520
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2810 2820 2830 2840 2850 2860 2870
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